

**STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>CROSSVILLE RACEWAY, INC.,</b>	)	<b>DIVISION OF WATER POLLUTION</b>
<b>STORMPAY, INC.</b>	)	<b>CONTROL</b>
<b>AND STEVEN C. GIRSKY</b>	)	
	)	<b>CASE NO. WPC07011</b>
<b>RESPONDENTS</b>	)	<b>DOCKET NO. 04-30096829A</b>

**RECEIVED**  
FEB 20 AM 11:00  
SECRETARY OF STATE

**AGREED ORDER**

The parties have proposed an agreed order in this matter. The parties are in agreement as to the facts and conclusions of law and the order and assessment set out herein, as indicated by the signatures of the parties or their representatives, set out below. The Board has reviewed this order and finds it satisfactory. Accordingly, the Board makes the following Findings of Fact, Conclusions of Law and Orders and Assesses as follows:

**FINDINGS OF FACT**

1. The Board adopts in its entirety, as its Findings of Fact, those facts set out in the Commissioner's Order and incorporates them by reference.
  
2. The Respondents have now instituted the required Best Management Practices (BMPs) at the site that is the subject of this order and have what the Division believes to be adequate sediment erosion controls in place. The site is properly permitted and is no longer causing a discharge or violation of the Water Quality Act. The Division has advised Respondent Mr. Girskey, an Officer of both Stormpay Inc. and Crossville

Raceway, Inc., and he understand, that while the measures in place are now adequate, if the area overflows, causes a discharge or otherwise causes a violation of the Water Quality Act or its regulations in the future, additional measure may be needed.

### CONCLUSIONS OF LAW

3. The Board finds and adopts by reference, the violations set out in the Director's order, being T.C.A section 69-3-108(b) and T.C.A. section 69-3-114(a) and (b).

### ORDER AND ASSESSMENT

Whereupon, the board ORDERS AND ASSESSES as follows:

The Respondents are assessed, jointly and severally, the sum of FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00) due and payable within thirty (30) days of entry of this Order.

This the 2/21/08, 2008.

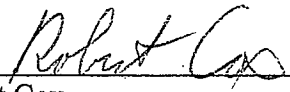
### REASON FOR DECISION

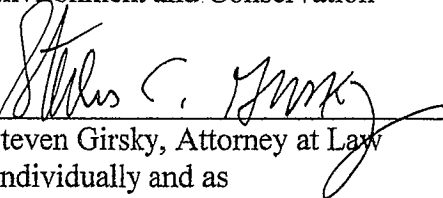
The Board makes the above findings supported by a preponderance of the evidence. The Board's findings and order are reasonable, consistent with the Act and the Rules and the purposes thereof, and promotes the public welfare. The assessment is reasonable and fair in light of the circumstances of this case.

This February 19<sup>th</sup>, 2008.

Eddie Floyd  
Chairperson  
Tennessee Water Quality Board


Seen/Agreed

  
Robert Cox  
Attorney for Tennessee Department of  
Environment and Conservation

  
Steven Girsky, Attorney at Law  
individually and as  
owner/officer for Crossville Raceway Inc. and  
StormPay. Inc.

Entered in the Office of the Secretary of State Administrative Division on this

20<sup>th</sup> day of February.

  
Thomas Stovall, Director *dep*  
Administrative Procedures Division

### **RIGHTS OF APPEAL**

Respondent is hereby notified and advised of his right to review of this final order, by filing an appeal pursuant to the Tennessee Uniform Procedures Act, T.C.A. Sections 4-5-317 and 4-5-322, and as set out at T.C.A. 69-3-111. Further, T.C.A. Section 4-5-317 gives any party the right to file a Petition for Reconsideration within ten (10) days of the entry of the Final Order, stating specific grounds upon which the relief is requested.

### **PAYMENT**

Payment of the civil penalty shall be made to the "Treasurer, State of Tennessee". All correspondence, including the initial civil penalty payments, should be addressed to Robert Cox, Office of General Counsel, Tennessee Department of Environment and


Conservation, 401 Church Street, 20<sup>th</sup> floor, Nashville, Tennessee 37243-1549. The case name and reference number, "DWS-07011" should be placed on all payments and all correspondence concerning this matter, to insure that the payment is properly credited.

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the above order was mailed by certified mail to:

Steven Gisky  
Stormpay, Inc.  
1690 Golf Course Lane  
Clarksville, TN 37043

This Feb 21 08, 2008.

  
Robert N. Cox BPR #012893  
Assistant General Counsel  
Tennessee Department of Environment  
and Conservation  
Office of General Counsel  
401 Church Street, 20<sup>th</sup> floor  
Nashville, Tennessee 37243-1548  
Phone: (615) 532-0140

9/18/07